

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,) CASE NO.: CR05-231-JCC
Plaintiff,)
v.) DETENTION ORDER
JIMMIE W. GARMAN)
Defendant.)

Offense charged:

Conspiracy to Tamper with Witnesses

Date of Detention Hearing: June 15, 2005

The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention hereafter set forth, finds that no condition or combination of conditions which defendant can meet will reasonably assure the appearance of defendant as required and the safety of other persons and the community.

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

(1) Defendant has been indicted on one count of conspiracy to tamper with a witness. The indictment also contains a total of twenty counts against other individuals, some of whom are alleged to be leaders and/or members of the Bandidos Outlaw Motorcycle Organization.

(2) The Indictment alleges that the Bandidos Outlaw Motorcycle Organization is a

01 criminal organization whose members and associates engaged in acts of violence, including
02 kidnaping, assault, threats of violence, and extortion in the United States and throughout the
03 world. The Bandidos is alleged to constitute a criminal enterprise as defined in Title 18, USC,
04 Section 1959(b)(2), that is, an enterprise constituting an ongoing organization whose members
05 function as a continuing unit for common purpose of achieving racketeering activity. Mr. Garman
06 is said to be a National Sergeant-at-arms for the organization. The case agent alleges that as such,
07 the defendant has the authority to order retaliation against members.

08 (3) The act which Mr. Garman is alleged to have committed as set forth in Count 3 of
09 the Indictment is presented in the Indictment as in furtherance of a conspiracy to intimidate a
10 witness to an alleged assault by another member of the organization.

11 (4) The AUSA reports that during a search of defendant's residence, over 30 guns
12 were recovered, of which at least 5 were loaded.

13 (5) The defendant does not pose a risk of nonappearance. He does pose a danger to
14 the community based on the nature of the current charges, the presence of loaded weapons in his
15 house, and the particular position of leadership which he holds in the Bandidos organization
16 viewed in light of the role in the conspiracy which is attributed to him by the Indictment.

17 (6) There does not appear to be any condition or combination of conditions that will
18 reasonably assure the defendant's appearance at future Court hearings while addressing the danger
19 to other persons or the community.

20 It is therefore ORDERED:

21 (1) Defendant shall be detained pending trial and committed to the custody of the
22 Attorney General for confinement in a correction facility separate, to the extent
23 practicable, from persons awaiting or serving sentences or being held in custody
24 pending appeal;

25 (2) Defendant shall be afforded reasonable opportunity for private consultation with
26 counsel;

- 01 (3) On order of a court of the United States or on request of an attorney for the
02 Government, the person in charge of the corrections facility in which defendant is
03 confined shall deliver the defendant to a United States Marshal for the purpose of
04 an appearance in connection with a court proceeding; and
- 05 (4) The clerk shall direct copies of this Order to counsel for the United States, to
06 counsel for the defendant, to the United States Marshal, and to the United States
07 Pretrial Services Officer.

08 DATED this 15th day of June, 2005.

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10 Mary Alice Theiler
11 United States Magistrate Judge
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